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FM AMEMBASSY RANGOON  
TO RUEHC/SECSTATE WASHDC PRIORITY 8450  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 1662  
RUEHNE/AMEMBASSY NEW DELHI 5144  
RUEHUL/AMEMBASSY SEOUL 8739  
RUEHKO/AMEMBASSY TOKYO 6311  
RHHMUNA/CDR USPACOM HONOLULU HI  
RUEHGV/USMISSION GENEVA 4155  
RHEHNSC/NSC WASHDC  
RUCNDT/USMISSION USUN NEW YORK 2132  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L RANGOON 000925

SIPDIS

STATE FOR EAP AND IO; PACOM FOR FPA

E.O. 12958: DECL: 12/03/2018

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: BURMA: ASSK'S LAWYER SPEAKS ABOUT HIS CLIENT'S CASE

REF: A. RANGOON 806

[1](#)B. RANGOON 754

[1](#)C. RANGOON 725

[1](#)D. RANGOON 704

[1](#)E. RANGOON 648

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

Summary

[1](#)1. (C) Aung San Suu Kyi's lawyer U Kyi Win (aka Neville) told Poloff December 4 that he is pressing GOB authorities to allow him to meet with his client. Neville had refrained from following up on his October 16 request to see Aung San Suu Kyi (ASSK) in response to GOB indications of possible near-term developments in her case. The lack of any action or response to her legal appeal, however, has left the lawyer frustrated and determined to pursue her case. Neville last saw ASSK in September, before filing her appeal on October 9. Neville explained that May 29 will mark the six-year anniversary of ASSK's current detention order, after which the regime will no longer have any authority, even under its own laws, to hold ASSK. Nonetheless, the lawyer conceded that the only thing that can assure her release is a decision by Than Shwe. End summary.

Justice Delayed

[1](#)2. (C) In a December 4 meeting with Poloff, Aung San Suu Kyi's lawyer Neville said that, on December 3, he renewed his request to GOB authorities to see Aung San Suu Kyi. Neville told us he has grown frustrated with the regime's inaction on his client's case, and demanded in writing that the Special Branch of Police provide him access to his client. Neville last asked for permission to see ASSK on October 16, seven days after filing her appeal in Nay Pyi Taw. He last saw her in September.

[1](#)3. (C) Neville informed us that on October 18, Special Branch officials summoned him to their offices and relayed a request from "higher authorities" for him to wait a few weeks before seeing her. At that time, officials told him there may be a development in a few weeks, but did not elaborate. Neville interpreted this to mean the authorities might release ASSK when her detention came up for its scheduled

six-month review at the end of November. As a result, Neville decided not to press the appeal or his request to meet with ASSK until after November. However, Neville said that since authorities neither released ASSK nor responded to the appeal or request to visit her, he has grown frustrated with what he views as stalling by the regime and filed the new request to see his client. If officials do not respond within 10 days, Neville said he will request a hearing before the Council of Ministers (aka the cabinet). "Justice delayed is justice denied" Neville said, quoting William Gladstone, and so far the regime "has delayed justice for over five years."

The Six Year Mark

14. (C) Neville went on to explain that the six-year anniversary of ASSK's current detention order will occur on May 29, 2009. Neville believes that after this date the regime will no longer have any authority, even under its own unjust laws, to extend ASSK's house arrest. He speculated that the regime could release her then, as part of a pre-election public relations ploy, but stressed that everything depends on "the whim of that dictator Than Shwe, who is the mastermind behind it all."

DINGER